

**IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF TENNESSEE**

LORI WILHOIT

Plaintiff,

v.

TIME INSURANCE COMPANY

Defendant.

Civil Action No. 2:08-cv-00304

**MOTION TO AMEND COMPLAINT AND
REMAND CASE TO STATE COURT**

Comes the plaintiff, Lori Wilhoit, by and through her attorney, Howell H. Sherrod, Jr., and would amend the original Complaint pursuant to Rule 15.01 as follows:

1. That the original Complaint is incorporated herein by reference as though fully and completely copied verbatim.
2. That the Counterclaim only constitutes a claim for reimbursement which, at most, would appear to be under \$5,000 for payments made to date.
3. That any future payments that could be owed would be reimbursed to the Counterclaimant and would constitute a lien on any recovery by Wilhoit from the responsible party.
4. That the *ad damnum* clause, be amended to read:

PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That the Court render a judgment for declaratory relief relative to the rights, duties, status and other legal relations between the parties including but not limited to whether or not Wilhoit's claim has been wrongfully denied. Additionally, Wilhoit seeks compensatory and punitive damages as may appear

to be proper in the amount not to exceed Forty-five Thousand Five Hundred Dollars (\$45,500.00).

2. Such other further and general relief to which she may be entitled.
5. That this cause be remanded to state court for lack of jurisdiction as amended.

Respectfully submitted,

Lori K. Wilhoit

By: s/Howell H. Sherrod, Jr.

Howell H. Sherrod, Jr., BPR No. 842
Attorney for Plaintiff
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Johnson City, Tennessee 37604
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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2009, a copy of the foregoing Motion to Amend Complaint and Remand Case to State Court was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Howell H. Sherrod, Jr.

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